

2018 Current Fiscal Year Report: Industry Trade Advisory Committee on Digital Economy

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1. Department or Agency

Department of Commerce

2. Fiscal Year

2018

3. Committee or Subcommittee

Industry Trade Advisory Committee on Digital Economy

3b. GSA Committee No.

21412

4. Is this New During Fiscal Year?

No

5. Current Charter

02/14/2018

6. Expected Renewal Date

02/14/2022

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Not Applicable

11. Establishment Authority

Statutory (Congress Created)

12. Specific Establishment Authority

P.L. 93-618

13. Effective Date

03/27/1975

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee

Other Committee

16a. Total Number of Reports

3

16b. Report Date

Report Title

07/25/2018 Letter of Recommendation on Committee's Trade Priority Issues

08/17/2018 Letter of Recommendation on China Section 301 Proposed and Modified Actions

09/25/2018 Statutory Advisory Report on The Trade Agreement with Mexico and Potentially Canada

Number of Committee Reports Listed: 3

17a. Open 0 17b. Closed 10 17c. Partially Closed 0 Other Activities 0 17d. Total 10

Meetings and Dates

Purpose

The Committee members met to be briefed and provide advice on the following issues: E.O. on trade agreement violations and abuses; USTR discussions with Korea on the KORUS FTA; Indonesia OTT; India telecom; NAFTA 2.0 negotiations; China issues, including encryption, cyber, and section 301; EU GDPR; and the Administration's trade priority issues.

Start

End

10/05/2017 - 10/05/2017

The Committee members met to be briefed and provide advice on the following issues: EU reciprocity for U.S.-based Conformity Assessment Bodies; OECD issues; U.S.-China trade issues, including encryption and cyber; NAFTA 2.0 negotiations; Russia data localization; trade issues with the European Union and India; and, Executive Order on Buy American and Hire American.

02/01/2018 - 02/01/2018

The Committee members met to be briefed and provide advice on the following issues: U.S.-China trade issues, included China Section 301 Encryption, Cyber, and 232 (Aluminum and Steel) Tariffs; NAFTA 2.0 negotiations; WTO e-Commerce issues; APEC privacy issues; and Committee business. 04/19/2018 - 04/19/2018

The Committee members met to be brief and provide advice on the following issues: International Trade Administration's trade priorities; national security challenges facing U.S. technology companies; and election of new Committee officers for new four-year charter term. 06/04/2018 - 06/04/2018

The Committee members met to deliberate on (2) pre-decisional draft letters of recommendations: (1) a pre-decisional draft letter of recommendation concerning China Section 301 proposed actions affecting industry sector. This letter was not finalized and another meeting was requires; and (2) a pre-decisional draft letter on the ITAC's trade priority issues for new charter term. This letter was finalized, adopted out of Committee and sent forward to the Secretary of Commerce and the U.S. Trade Representative. 07/19/2018 - 07/19/2018

The Committee members met to deliberate and finalize on a pre-decisional draft letter of recommendation China Section 301 proposed and modified actions affecting their industry sector. The letter was adopted out of Committee and sent forward to the Secretary of Commerce and the United States Trade Representative. 08/16/2018 - 08/16/2018

The Committee members met to begin deliberations on the statutory advisory report on the Trade Agreement with Mexico and Canada. A revised draft of the Report was needed and required another meeting to be called. 09/13/2018 - 09/13/2018

The Committee members met to deliberate on a pre-decisional draft statutory advisory report on the Trade Agreement with Mexico and Potentially Canada. The Report was not finalized and another meeting was required. 09/20/2018 - 09/20/2018

The Committee members met to deliberate on a 1st revised draft of pre-decisional statutory advisory report on the Trade Agreement with Mexico and Potentially Canada. The report was not finalized and another meeting was required. 09/24/2018 - 09/24/2018

The Committee members met to deliberate and finalize a 2nd revised pre-decisional draft statutory advisory report on the Trade Agreement with Mexico and Potentially Canada. The Report was finalized and adopted out of Committee and was sent forward to the Trade Representative with a copy to the Secretary of Commerce and the Industry Trade Advisory Center. 09/25/2018 - 09/25/2018

Number of Committee Meetings Listed: 10

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$64,454.00	\$65,500.00
18a(4). Personnel Pmts to Non-Member Consultants	\$0.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$0.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$0.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$0.00	\$0.00
18d. Total	\$64,454.00	\$65,500.00
19. Federal Staff Support Years (FTE)	0.40	0.40

20a. How does the Committee accomplish its purpose?

The Committee shall perform such functions and duties and prepare such reports, as may be required by Section 135 of the Trade Act, with respect to the industry trade advisory committees. The Committee advises the Secretary and USTR on trade matters referred to in section 135(a)(1) of the Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Act. The Committee provides detailed policy and technical advice,

information, and recommendations to the Secretary and USTR regarding trade barriers, negotiation of trade agreements under section 2103 of the Bipartisan Trade Promotions Authority Act of 2002, and implementation of existing trade agreements affecting its sector.

20b. How does the Committee balance its membership?

Members shall be selected on a clear, standardized basis, in accordance with applicable Department of Commerce guidance, the principal criterion for selection being ability to carry out the objectives of this Committee as set forth in Section 3 of the Charter. Secondary selection criteria are ensuring that the Committee is balanced in terms of points of view, demographics, geography, and company size.

20c. How frequent and relevant are the Committee Meetings?

This committee meets approximately 3-5 times during the year.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

This Committee is essential to carry out the Secretary and USTR's responsibilities under section 135(c)(2) of the 1974 Trade Act, as delegated by E.O. 11846 of March 27, 1975. There is no other Committee that can perform the duties of this Committee.

20e. Why is it necessary to close and/or partially closed committee meetings?

The Industry Trade Advisory Committees were established by the Trade Act of 1974 and in accordance with the Federal Advisory Committee Act (FACA). Subsection 135(f) of the Trade Act provides that the ITACs shall be exempt from the provisions of the FACA relating to open meetings, public notice, public participation, and public availability of documents when it is determined that the proceedings would, if disclosed, seriously compromise the Government's negotiating objectives or bargaining positions regarding trade policy matters. ITAC meetings routinely involve these kinds of discussions. The United States Trade Representative evaluates each meeting agenda and issues a Notice of Determination when it is necessary to close meetings.

21. Remarks

Subcommittees, or their equivalents, are authorized to be formed under the terms of the Committees' charters, which were issued pursuant to Subsection 135 (f) of the Trade Act of 1974 (Public Law 93-618) as amended, and the Federal Advisory Committee Act (Public Law 92-463). Because subcommittees, or their equivalents, do not report out independently but through the parent Committee, the costs are included under the parent Committee.

Designated Federal Officer

Hilary Sadler Designated Federal Officer

Committee Members	Start	End	Occupation	Member Designation
Bhumitra, Arun	02/28/2018	02/14/2022	Arjay Telecommunications	Representative Member
Domenikos, Steven	02/28/2018	02/14/2022	RelayDental, Inc.	Representative Member
Fealk, Esq., Dean	03/13/2014	02/14/2018	Legal Advisor, representing NETGEAR, Inc.	Representative Member
Geiger, Harley	09/14/2018	02/14/2022	Rapid 7	Representative Member
Holland, Stefanie	09/14/2018	02/14/2022	Comp/TIA	Representative Member
Jennings, Jake	02/28/2018	02/14/2022	AT&T Services, Inc	Representative Member
Lowenstein, Todd	03/13/2014	02/14/2018	ArcoStream LLC	Representative Member
Malloy, Elizabeth	02/28/2018	02/14/2022	Intel Corporation	Representative Member
Manner, Jennifer	02/28/2018	02/14/2022	EchoStar Corporation	Representative Member
Nevshehir, Noel	07/17/2014	02/14/2018	Automation Alley	Representative Member
Ruff, Jacquelynn	02/28/2018	02/14/2022	Verizon Communications	Representative Member
Sanford, Jennifer	02/28/2018	02/14/2022	Cisco Systems, Inc.	Representative Member
Scarpelli, Esq., Brian	02/28/2018	02/14/2022	ACT-The App Association	Representative Member
Snead, W. David	02/28/2018	02/14/2022	Internet Infrastructure (i2) Coalition	Representative Member
Swanson, Kathlene	02/28/2018	02/14/2018	Telecommunications Industry Association	Representative Member
Thomsen II, Roszel	02/28/2018	02/14/2022	Alliance for Network Security	Representative Member
Zirschky, Esq., Stephen	02/28/2018	02/14/2022	WatchGuard Technologies, Inc.	Representative Member

Number of Committee Members Listed: 17

Narrative Description

The Committee advises the Secretary and the USTR concerning the trade matters referred to in section 135(a)(1) of the Act, and is consulted regarding the matters referred to in section 135(a)(2) of the Act. In particular, the Committee provides detailed policy and technical advice, information, and recommendations to the Secretary and the USTR regarding trade barriers, negotiation of trade agreements under section 2103 of the Bipartisan Trade Promotion Authority Act of 2002, and implementation of existing trade agreements affecting its sector; and performs such other advisory functions relevant to U.S. trade policy as may be requested by the Secretary and the USTR or their designees.

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input type="checkbox"/>
Increased customer satisfaction	<input type="checkbox"/>
Implementation of laws or regulatory requirements	<input type="checkbox"/>

Other



Outcome Comments

NA

What are the cost savings associated with this committee?

Checked if Applies

None



Unable to Determine



Under \$100,000



\$100,000 - \$500,000



\$500,001 - \$1,000,000



\$1,000,001 - \$5,000,000



\$5,000,001 - \$10,000,000



Over \$10,000,000



Cost Savings Other



Cost Savings Comments

NA

What is the approximate Number of recommendations produced by this committee for the life of the committee?

9

Number of Recommendations Comments

On average 2-3 recommendations are made annually. The total number of recommendations is for the 2014-2018 charter term.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

0%

% of Recommendations Fully Implemented Comments

No measureable calculation. Committee members give advice to U.S. trade negotiators and typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bi-lateral and multi-lateral trade negotiations.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

No measureable calculation. Committee members give advice to U.S. trade negotiators and typically do not receive feedback from negotiators regarding how their advice has been applied or utilized within the various bi-lateral and multi-lateral trade negotiations.

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

Most feedback is rendered orally during meetings; when written advice is sent to the Secretary of Commerce and the USTR, or their designees, it is reviewed by Secretary's policy staff and tasked to appropriate ITA unit to prepare a draft response. Commerce internal procedures require that all responses for Secretarial signature (and/or joint signature with USTR) go through a formal concurrence process which ensures that the appropriate level of Commerce officials are seeing the advice and have a chance for comment. The Under Secretary of Commerce for International Trade reviews and clears prior to the Secretary's review and signature, which ensures that ITAC advice is weighed and considered.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Action Comments

DOC and USTR officials have used recommendations provided by ITAC 8 when formulating policy and position papers.

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

NA

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

Access Comments

None.